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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN PHOMMA,

Defendant.

Case No. 3:20-cr-00465-JO

**UNOPPOSED MOTION TO
CONTINUE TRIAL**

NOW COMES Kevin Phomma, through his attorney, Gerald M. Needham, and moves to continue the presently scheduled trial date of June 15, 2021, to September 28, 2021, or a date thereafter convenient to the Court. This motion is unopposed by the government. June 15, 2021, is the fourth trial setting.

Mr. Phomma has been indicted for one count of Civil Disorder in violation of 18 U.S.C. § 231(a)(3).

Defense counsel has filed a motion to dismiss the Indictment. The government has responded. Mr. Phomma has charges associated with the same conduct as charged in the federal

indictment pending in Multnomah County Circuit Court. Those charges may have a bearing on the disposition of the instant matter.

The disposition of the motion to dismiss the Indictment has yet to be ruled upon.

Mr. Phomma has been released on pretrial conditions. He is in compliance. He specifically authorized counsel to represent he consents to the continuance with the knowledge that the timeframe is excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

Assistant United States Attorney Thomas Ratcliffe has authorized counsel to represent the government has no objection to the requested continuance.

Based on the aforementioned, counsel moves to continue the trial of June 15, 2021, to September 28, 2021, or a date thereafter convenient to the Court. The timeframe of the requested continuance is excludable under the Speedy Trial Act in that the period of time for a disposition of a motion to dismiss is excludable. The timeframe is also excludable under Speedy Trial computations pursuant to 18 U.S.C. § 3161(h)(7)(A), as additional time is required for pretrial investigation and trial preparation and the ends of justice served by the granting of the continuance outweigh the interests of the public and the defendant in a speedier trial.

Respectfully submitted on June 1, 2021.

/s/ Gerald M. Needham

Gerald M. Needham

Assistant Federal Public Defender